

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL CARDONA INOSTROZ,

Petitioner,

v.

LAURA ELDRIDGE,¹

Respondent.

Case No. [17-cv-05577-HSG](#)

**ORDER DENYING CERTIFICATE OF
APPEALABILITY; DENYING LEAVE
TO PROCEED IN FORMA PAUPERIS
ON APPEAL**

Re: Dkt. Nos. 18, 20, 22

Petitioner, a *pro se* prisoner, filed this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 21, 2020, the Court denied the habeas petition, denied a certificate of appealability and entered judgment in favor of respondent. Dkt. Nos. 11, 12. Now pending before the Court are petitioner's requests for a certificate of appealability (Dkt. Nos. 20, 22) and petitioner's request for leave to proceed *in forma pauperis* on appeal (Dkt. No. 18). A certificate of appealability is DENIED for the same reasons set forth in the Court's January 21, 2020 order denying the habeas petition. Petitioner has not made a substantial showing that a reasonable jurist would find the denial of his petition debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Because the Court has denied a certificate of appealability, the Court will also deny leave to proceed *in forma pauperis* on appeal. Dkt. No. 18. The Clerk shall process the appeal and forward a copy of this order to the United States Court of Appeals.

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¹ Laura Eldridge, the current warden of the prison where petitioner is incarcerated, has been substituted as respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

This order terminates Dkt. Nos. 18, 20, 22.

IT IS SO ORDERED.

Dated: 4/29/2020


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California